

steady improvement of % Haze with ethylene content, those values being optimized at the highest values thereof.

The applicants request reconsideration of the rejection of claims 20 and 22 under 35 U.S.C. 112, second paragraph, in paragraphs 5 A) and B) of the Office Communication in view of the amendments requested. The changes directly address the lack of clarity noted by the examiner, and should suffice to overcome those concerns.

The applicants also request reconsideration of the rejection of claim 21 under 35 U.S.C. 112, second paragraph, in paragraphs 5 C) of the Office Communication in view of the amendments requested. The references to product names, whether trademarked or not, have been deleted. The chemical property limitations of those products, from the description as noted above, are substituted and would appear to overcome the stated reasons for rejection.

The applicants further request reconsideration of the rejection of amended claims 20 - 24 under 35 U.S.C. 103 (a) in paragraphs 5 -9 of the Office Communication in view of the clarification amendments requested and the following argument. I submit that an improper conclusion under the "prima facie obviousness" criteria of USPTO practice is being rendered where the data of the application provides the empirical showing of a surprising effect, or "synergistic" effect, as noted by the applicants. In Table II the applicants have shown that the Masuda disclosure of run 5 at 73 wt.% ethylene content would inherently provide performance at a level between that measured at 72 wt.% ethylene (example "E") and 74 wt.% ethylene (example "F"). An arithmetic average between the two for haze value (%) would be about 58 and is clearly well above that of 48 for the claimed level from Example F, 74 wt.% ethylene content. It should therefore be irrelevant that the USPTO has no testing facilities to show what has been illustrated in the application as filed.

I would also note that the Masuda application does present the teaching to one skilled in the art that would clearly discourage him from practicing the invention of Masuda at the highest level of crosslinking. Though such is mentioned, that teaching may be of value for rejection only where specifically showing a composition within the

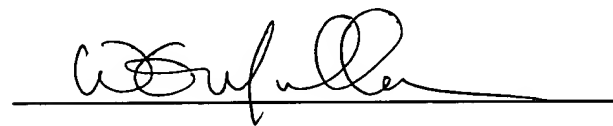
later claimed scope. However, where not shown to have been practiced, because of undisclosed testing results, or simply prejudice, one skilled in the art would not have any incentive to practice at that level. This is not an incidental overlap in a comparison example, but is instead a positive recitation discouraging any overlap.

Lastly, Masuda does not address in any identified manner the objective of achieving translucent compositions, and is directed to entirely different objectives. Puydak does not correct that misdirection but contributes an entirely different one. Where neither reference addresses the objectives of the claimed invention, it becomes even more apparent that there is no proper "prima fascia obviousness" of it for one skilled in the relevant art.

CONCLUSION:

I submit that all reasons for rejection have been suitably addressed by this reply, and that reconsideration of those reasons is appropriate. I request that the outstanding rejections be withdrawn and that a Notice of Allowance be provided in due course unless alternative reasons for rejection are identified. If the Examiner has any further questions or concerns, he is invited to call the undersigned, authorized representative of the applicants.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. G. Muller', is written over a horizontal line.

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Attachment: Marked-up Claims 20-22

MARKED-UP CLAIMS 20-22:

20. (amended) An optically translucent thermoplastic elastomer comprising

(A) 10 to 90 weight percent, based upon the weight of the rubber and polypropylene, of propylene homopolymer principally containing propylene units of exactly alternating configuration and having a syndiotactic pentad fraction of at least 0.86, and

(B) 90 to 10 weight percent, based upon the weight of the rubber and polypropylene, of an ethylene-propylene-nonconjugated diene terpolymer rubber and/or an ethylene-propylene copolymer rubber, said component (B) having an ethylene content of at least 74 wt% and having been completely crosslinked.

21. (amended) The thermoplastic elastomer of claim 1 wherein component (A) has is ~~selected from the group consisting of Hoechst Grade G49M polypropylene, Hoechst Grade G53 polypropylene, Hoechst Grade G20/28 polypropylene, and mixtures thereof~~ a density of 0.89 to 0.91 g/cm³ and a melting point of 135°C to 140°C.

22. (amended) The thermoplastic elastomer of claim 1 wherein component (B) is an ethylene-propylene-diene terpolymer having an ethylene content between 74wt% and 77wt%.